

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

BKY No. 09-50779

Chapter 7

Dennis E. Hecker,

Debtor.

NOTICE OF HEARING AND MOTION FOR TURNOVER OF RECORDS

TO: Officer/Managing Agent, The Golf Club Scottsdale, 29001 N. 122nd Street, Scottsdale, AZ 85262.

1. Randall L. Seaver, the Chapter 7 Trustee herein, moves the Court for the relief request below and gives Notice of hearing herewith.

2. The Court will hold a hearing on this motion at 2:00 p.m. on January 27, 2010, in Courtroom 8 West, U.S. Bankruptcy Court, 300 South Fourth Street, Minneapolis, MN 55415.

3. Any response to this motion must be filed and served by delivery not later than January 22, 2010 which is five days before the time set for the hearing (including Saturdays, Sundays and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this Motion under 28 U.S.C. §157 and §1334 and Bankruptcy Rule 5005. This Motion is filed under Local Rule 9013-2, this proceeding arises under 11 U.S.C. §542(e) and Local Rule 6072-1.

5. The petition commencing this Chapter 7 case was filed on June 4, 2009. The case is now pending in this Court.

6. The trustee seeks turnover to the trustee of any and all documents relating to or evidencing any membership or property ownership or any other interest held by Dennis Hecker in or to The Golf Club Scottsdale, including, without limitation:

- a. Copies of all correspondence, including e-mail correspondence, between The Golf Club Scottsdale and Dennis Hecker and/or Tamitha Hecker or their attorneys and agents from November 1, 2004 to date.
- b. Copies of all records evidencing any use of The Golf Club Scottsdale by Dennis Hecker and/or Tamitha Hecker or their guests from November 1, 2004 to date.
- c. Copies of all payment histories for any dues or other payments made by or on behalf of Dennis Hecker to The Golf Club Scottsdale November 1, 2004 to date, together with copies of checks, if any.
- d. Copies of any and all agreements or other documents that evidence the membership and ownership rights of Dennis Hecker and his rights to use The Golf Club Scottsdale facilities from November 1, 2004 to date.

WHEREFORE, the trustee requests an order of the court requiring The Golf Club Scottsdale to turn over the following:

1. Any and all documents relating to or evidencing any membership or property ownership or any other interest held by Dennis Hecker in or to The Golf Club Scottsdale, including, without limitation:

- a. Copies of all correspondence, including e-mail correspondence, between The Golf Club Scottsdale and Dennis Hecker and/or Tamitha Hecker or their attorneys and agents from November 1, 2004 to date.
- b. Copies of all records evidencing any use of The Golf Club Scottsdale by Dennis Hecker and/or Tamitha Hecker or their guests from November 1, 2004 to date.
- c. Copies of all payment histories for any dues or other payments made by or on behalf of Dennis Hecker to The Golf Club Scottsdale November 1, 2004 to date, together with copies of checks, if any.
- d. Copies of any and all agreements or other documents that evidence the membership and ownership rights of Dennis Hecker and his rights to use The Golf Club Scottsdale facilities from November 1, 2004 to date.

**LEONARD, O'BRIEN, SPENCER,
GALE & SAYRE, LTD.**

Dated: January 12, 2010

/e/ Matthew R. Burton

By: _____

Matthew R. Burton
100 South Fifth Street, Suite 2500
Minneapolis, MN 55402
(612) 332-1030

Attorneys for Randall L. Seaver, Trustee

VERIFICATION

I, Randall L. Seaver, Trustee for the Bankruptcy Estate of Dennis E. Hecker named in the foregoing Notice of Hearing and Motion declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on January 12, 2010

/e/ Randall L. Seaver

Randall L. Seaver, Trustee

414891

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7

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UNSWORN CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2010, I caused the following documents:

Notice of Hearing and Motion for Turnover of Records and Order (proposed)

to be filed electronically with the Clerk of Court through ECF, and that the above documents will be delivered by automatic e-mail notification pursuant to ECF and this constitutes service or notice pursuant to Local Rule 9006-1(a).

I further certify that I caused a copy of the foregoing documents to be mailed by first-class mail, postage paid, to the following:

The Golf Club Scottsdale
Attn: Officer/Managing Agent
29001 N. 122nd Street
Scottsdale, AZ 85262

Michael B. Lubic
Sonnenschein Nath & Rosenthal LLP
601 S Figueroa St Ste 2500
Los Angeles, CA 90017-5704

Dennis E. Hecker
P.O. Box 1017
Crosslake, MN 56442

Michael W. Malter
Binder & Malter LLP
2775 Park Avenue
Santa Clara, CA 95050

/e/ Stephanie Wood

Dated: January 12, 2010

Stephanie Wood
100 South Fifth Street, Suite 2500
Minneapolis, MN 55402
(612) 332-1030

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ORDER

This case came before the court on the motion of Randall L. Seaver, Chapter 7 trustee, for turnover of property of the estate.

Upon the motion and the files,

It is ordered that within seven (7) days from the entry of this Order, The Golf Club Scottsdale shall turnover to the trustee:

1. Any and all documents relating to or evidencing any membership or property ownership or and any other interest held by Dennis Hecker in or to The Golf Club Scottsdale, including, without limitation:

- a. Copies of all correspondence, including e-mail correspondence, between The Golf Club Scottsdale and Dennis Hecker and/or Tamitha Hecker or their attorneys and agents from November 1, 2004 to date.
- b. Copies of all records evidencing any use of The Golf Club Scottsdale by Dennis Hecker and/or Tamitha Hecker or their guests from November 1, 2004 to date.
- c. Copies of all payment histories for any dues or other payments made by or on behalf of Dennis Hecker to The Golf Club Scottsdale November 1, 2004 to date, together with copies of checks, if any.
- d. Copies of any and all agreements or other documents that evidence the membership and ownership rights of Dennis Hecker and his rights to use The Golf Club Scottsdale facilities from November 1, 2004 to date.

Dated: _____
